

**U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

FILED  
U.S. DISTRICT COURT  
2004 AUG 13 P 12:31

VINCENT AMARA,  
Plaintiff

v.

ANDREY REVERT, AMTRAK and  
CRAWFORD RISK MANAGEMENT  
SERVICE,  
Defendants

[illegible]

**CIVIL ACTION NO. 04-10094 GAO**


**DEFENDANTS' MOTION FOR ORDER FOR PHYSICAL EXAMINATION**  
**OF THE PLAINTIFF, VINCENT AMARA**

treatment. Dr. Lynch found that Mr. Amara did not have the physical findings to indicate a significant rotator cuff tear, and that Mr. Amara may have some degenerative wear and tear on the rotator cuff. (See Exhibit C).

4. Mr. Amara visited Dr. Brian Awbrey of Associated Health Care Group on October 30, 2001; he was diagnosed with a right shoulder sprain, cervical sprain and thoracic strain. (See Exhibit D).
5. An MRI study taken on October 4, 2001 by Chelsea MRI, P.C. showed a full thickness supraspinatus tendon tear in Mr. Amara's right shoulder, as well as multiple areas of degenerative changes and AC joint arthritis. (See Exhibit E).
6. Plaintiff's counsel made a demand on behalf of Mr. Amara in the amount of \$450,000 on June 17, 2003. (See Exhibit F).
7. In a letter dated July 28, 2004 to Attorney Philip Boncore, defendant's counsel requested that the plaintiff voluntarily submit to an independent medical examination. Attorney Boncore advised defendant's counsel in his letter dated August 5, 2004 that the plaintiff would not agree to such an examination. (See Exhibit G).
8. A mediation of this matter has been scheduled by this Court for September 3, 2004.
9. The defendants contend that because of the discrepancies among the plaintiff's medical records, and in order for the defendants to fairly and accurately evaluate the plaintiff's injuries and demand, the plaintiff should be ordered to submit to an independent medical examination by Dr. Daniel Snyder. A copy of the curriculum vitae of Dr. Snyder is attached hereto as Exhibit H.

WHEREFORE, the defendants, Andrey Revert, Amtrak and Crawford Risk Management Service, respectfully request that this Court order the plaintiff, Vincent Amara, to undergo an independent medical examination by Dr. Daniel Snyder at a mutually acceptable date and time.

Respectfully submitted,  
Defendants, Andrey Revert, Amtrak and  
Crawford Risk Management Service,  
By their attorneys,



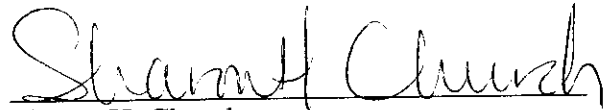
John J. Bonistalli; BBO# 049120  
Sharon H. Church; BBO # 640878  
LAW OFFICES OF JOHN J. BONISTALLI  
One Financial Center  
Boston, MA 02111  
(617) 695-3755

Dated: 8-11-04

**CERTIFICATE OF SERVICE**

I, Sharon H. Church, attorney for the defendants, Audrey Revert, Amtrak and Crawford Risk Management Service, hereby certify that a true copy of the foregoing Defendants' Motion for Order for Physical Examination of the Plaintiff, Vincent Amara was sent via first class mail, postage prepaid, this 12<sup>th</sup> day of August, 2004 to:

Philip R. Boncore, Esquire  
LAW OFFICES OF PHILIP R. BONCORE, P.C.  
1140 Saratoga Street  
East Boston, MA 02128

  
Sharon H. Church